

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG

**U.S. BANK NATIONAL ASSOCIATION, AS
TRUSTEE, SUCCESSOR-IN-INTEREST TO
BANK OF AMERICA BY MERGER TO
LASALLE BANK NATIONAL ASSOCIATION,
AS TRUSTEE, FOR THE REGISTERED
HOLDERS OF J.P. MORGAN CHASE
COMMERCIAL MORTGAGE SECURITIES
TRUST 2006-CIBC17, COMMERCIAL
MORTGAGE PASS-THROUGH
CERTIFICATES, SERIES 2006-CIBC17,**

Plaintiff,

v.

**CIVIL ACTION NO. 3:14-CV-62
(JUDGE GROH)**

SAYONA HOSPITALITY, LLC,

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION

On this day, the above-styled matter came before the Court for consideration of the Report and Recommendation ("R&R") of United States Magistrate Judge Robert W. Trumble. The Court referred the Plaintiff's Emergency Motion for Immediate Appointment of Receiver [Doc. 6] and Motion for Entry of Consent Order Appointment Receiver [Doc. 10] to Magistrate Judge Trumble for submission of an R&R. Magistrate Judge Trumble filed his R&R on June 25, 2014 [Doc. 11]. He recommends that the Court grant both motions.

Pursuant to 28 U.S.C. § 636(b)(1)(c), this Court must review *de novo* those portions of the magistrate judge's findings to which objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions

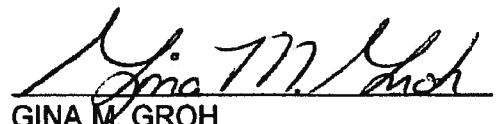
of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. Thomas v. Arn, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and the parties' right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); Snyder v. Ridenour, 889 F.2d 1363, 1366 (4th Cir. 1989); United States v. Schronce, 727 F.2d 91, 94 (4th Cir. 1984). Objections to Magistrate Judge Trumble's R&R were due by 5:00 p.m. on June 26, 2014. In the motion for entry of the consent order and proposed consent order, the parties state that they waive their right to object to the R&R. Further, neither party filed objections to the R&R. Accordingly, this Court will review the R&R for clear error.

Upon careful review of the R&R, it is the opinion of this Court that the magistrate judge's Report and Recommendation should be, and is, hereby **ORDERED ADOPTED** for the reasons more fully stated in the magistrate judge's report. Accordingly, the Court **GRANTS** the Emergency Motion for Immediate Appointment of Receiver and **GRANTS** the Motion for Entry of Consent Order Appointing Receiver. The Court will enter the Consent Order following entry of this Order.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to all counsel of record herein.

DATED: June 26, 2014



GINA M. GROH
UNITED STATES DISTRICT JUDGE